

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
AUGUST 24, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrival: Paul J. Escobar at 9:30 a.m. Meeting was called to order at 9:06 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. Fiesta de Las Flores Week in El Paso
2. Community Development Block Grant Anniversary Week in El Paso
3. Southwest District Kiwanis Week

No action was taken on the following item: Tolls. [William F. Hart, Jr.]

Mr. William F. Hart, Jr., citizen, spoke in opposition to the implementation/use of tolls and provided documents for the Council Members perusal (on file in the City Clerk's office).

Ms. Theresa Caballero, citizen, spoke in opposition to the use of tolls.

Ms. Anita Blair, citizen, spoke in opposition to the use of tolls.

Representative Austin noted that the Turner Pike tollway in the State of Oklahoma was removed following the construction completion.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to delete the following item:

I want justice from the Sun Metro bus drivers. They have talked badly about me, yelled at me and argued with me. I never know what will happen and I am fearful. This has been going on for 12 years.
[Vicki Magness]

No action was taken on the discussion and action on the current status and future of the City-County Health Board. [Dr. John Tune]

Dr. John Tune, Chairman of the City-County Health Board, asked that, due to the County of El Paso's withdrawal of providing funds for the El Paso City/County Health and Environmental District, the Council not dissolve the City-County Health Board. He explained that he had recently received a letter from Mayor Joe Wardy explaining that the City-County Health Board would be dissolved. He highlighted accomplishments made by the Health Board such as the passage of the Smoking Ban Ordinance, success of the spay/neuter and rabies programs, stricter governance regarding tattooing, and many others. He noted that the recent "defunding" of the Health Department by the County of El Paso has resulted in chaos and that governmental entities such as the EPA would not provide grants due to the instability of the Health Department.

Mayor Joe Wardy interjected that it would be the decision of the Council whether or not to dissolve the City-County Health Board and noted that the decision by the County Commissioner's to pull out of the Interlocal Agreement came as a surprise to all the Council Members.

Dr. Guy Johnson, Vice Chairman of the City-County Health Board, implored the Council not to dissolve the City-County Health Board, noted that the County Commissioners had not contacted the City-County Health Board prior to deciding to “divorce” the El Paso City-County Health and Environmental District and requested that the citizenry and governing bodies meet and discuss the issue further.

Representatives Escobar, Austin and Lozano commented.

Ms. Theresa Caballero, citizen, spoke on her concerns about: the management of the El Paso City-County Health and Environmental District and the City-County Health Board.

Ms. Anita Blair, citizen, spoke on El Paso City-County Health and Environmental District issues.

Mr. Jim Martinez, Chief Administrative Officer, commented on the travels of Mr. Mark Everett, Public Health Administrator.

No action was taken on the following item: Cronyism in the City Hall. [Anita Blair]

Ms. Anita Blair, citizen, spoke on privatizing the City Attorney's office, politics, the City of El Paso budget and other issues.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Austin and Rojas were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the forefront of the regular agenda the Public Hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2004-2005.

Representatives Austin and Rojas were not present for the vote.

Ms. Theresa Caballero, citizen, spoke against tax increases proposed by the City of El Paso, El Paso Community College and the County of El Paso.

Mayor Joe Wardy provided information pertaining to the City's budget.

Mr. Bill Arballo, AFSCME Local 59 representative, concurred with Ms. Caballero regarding the need for an independent audit of the City's monies and noted that the same budget issues were discussed two years ago.

Representative Cobos moved to postpone for one (1) week. Representative Cook seconded. Representative Cook withdrew his second in order to allow for additional comments.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained financial matters relative to the M&O (Maintenance & Operation) and debt service of the City of El Paso's FY2005 budget. He answered questions from and responded to comments made by the Council Members Lozano, Cushing, Austin and Cook.

Mr. Frank Delgado, speaking as a citizen and President of the City Employees' Association, spoke about difficulties he has had in getting a copy of the FY2005 budget, and about his concerns regarding the proposed layoffs, the number of recent contract employees hired, and extra layers of management that could be eliminated.

Representative Cobos and Mayor Joe Wardy questioned Mr. Frank Delgado.

Mr. Lance Ruck, Civil Service Commission member, explained that the Civil Service Commissioners were discussing contract positions at the Civil Service Commission meetings; however, he added that Commissioners were not receiving resumes for those contract positions.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the Public Hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2004-2005.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the forefront of the regular agenda the discussion and action on a Resolution that the Proposed Budget for the City of El Paso, filed by the Mayor with the City Clerk on July 1, 2004, is hereby approved and adopted by the City Council, as amended, as the Annual Budget for the Fiscal Year 2004-2005 for the City of El Paso.

Representatives Austin and Rojas were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action on a Resolution that the Proposed Budget for the City of El Paso, filed by the Mayor with the City Clerk on July 1, 2004, is hereby approved and adopted by the City Council, as amended, as the Annual Budget for the Fiscal Year 2004-2005 for the City of El Paso.

See previous item for discussion.

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ADDITION TO THE AGENDA

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to forefront of the regular agenda the discussion and action to direct the Planning, Research and Development Department to place the following item on the CPC Agenda for reconsideration: **SUB04-00036**: Velez Subdivision - Preliminary; Being all of Tract 2, Block 6, Christy Tract, City of El Paso, El Paso County, Texas.

Representative Rojas explained that the applicant had withdrawn his application; however, questioned whether or not the Council's approval was required to place the item on the City Plan Commission agenda.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

Representative Cobos withdrew his second to allow for public comment.

Mr. Antonio Velez, applicant, spoke in Spanish regarding his intent for the subdivision plot.

Mr. George G. Sarmiento, Director of Planning, Research and Development, interpreted for Mr. Velez.

Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to postpone one (1) week the discussion and action to direct the Planning, Research and Development Department to place the following item on the CPC Agenda for reconsideration: **SUB04-00036: Velez Subdivision - Preliminary; Being all of Tract 2, Block 6, Christy Tract, City of El Paso, El Paso County, Texas.**

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to recess the City Council Meeting for a break at 11:59 a.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene the City Council Meeting from the break at 12:21 p.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 12:21 p.m.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 12:30 p.m.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the Minutes for Regular City Council Meeting of July 20 and August 17, 2004; and Special City Council Meeting of August 9, 2004.

Representatives Austin and Rojas were not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a Portion of Lot 17, Block 1, El Paso International Airport Tracts, Unit 11, El Paso County, Texas, municipally known and numbered as 1771 Shuttle Columbia Drive, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Attorney is authorized to sign a Subscription Plan Amendment and any other related documents for LexisNexis research service.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to delete the Resolution that the City Council approve the following proposed amendments to Chapter 5, Program for the Rehabilitation of Investor-Owned Properties, of the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

1. The method by which funding will be accessed will be changed by deleting the provision that availability will be through participation in a publicly advertised annual request for proposals process found at the top of Page 5-1. Project applications and proposals will be accepted and reviewed on a year-round basis.

2. Section I. Eligibility Requirements. Subsection B. (1) on Page 5-2 is being amended by amending the wording "Must have the highest ranking of the potential projects identified on the Interest List" to read: "Will be ranked among all other potential projects based on the greatest number of points utilizing the following factors (maximum 33 points). Priority in processing will be based on ranking and availability of funds:".

3. Section II. Financing. Subsection A. on Page 5-3 is being amended to include the requirement that the City must have a first lien without exception; and by providing refinancing of existing debt of up to \$5,000.00 per after-rehabilitation unit in order to achieve feasibility and a first lien for the City.

4. Section II. Financing. Subsection C. on Page 5-3 is being amended to read "The funds for the rehabilitation loan and grant will be drawn from the HOME Grant or the Community Development Block Grant."

Representatives Austin and Rojas were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the regular agenda the following:

Representatives Austin and Rojas were not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approve the following proposed amendments to Chapter 5, Program for the Rehabilitation of Investor-Owned Properties, of the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

1. The method by which funding will be accessed will be changed by **deleting the provision that availability will be through participation in a publicly advertised annual request for proposals process** found at the top of **Page 5-1**. Project applications and proposals will be accepted on a year-round basis but reviewed on a quarterly basis.

2. **Section I. Eligibility Requirements. Subsection B. (1) on Page 5-2** is being amended by amending the wording "**Must have the highest ranking of the potential projects identified on the Interest List**" to read: "**Will be ranked among all other potential projects based on the greatest number of points utilizing the following factors (maximum 33 points). Priority in processing will be based on ranking and availability of funds. Applications received will be reviewed and evaluated on a quarterly basis, every September, December, March, and June.**"

3. **Section II. Financing. Subsection A. on Page 5-3** is being amended to include the requirement that the City must have a first lien without exception; and by providing refinancing of existing debt of up to \$5,000.00 per after-rehabilitation unit in order to achieve feasibility and a first lien for the City.

4. **Section II. Financing. Subsection C. on Page 5-3** is being amended to read "The funds for the **rehabilitation loan and grant** will be drawn from the HOME Grant or the Community Development Block Grant."

Representative Cobos requested that revisions be made to the "2. Section I. Eligibility Requirements. . . ." of the Resolution language.

Representative Cook asked questions of Mr. Roberto Soto, Community and Human Development.

Mr. Soto explained the intent of the language within "2. Section I. Eligibility Requirements. . . ." and answered questions from and responded to comments made by the Council Members Cobos and Cook.

Ms. Nathalie Prise, Interim Community and Human Development Director, gave additional backup information pertaining to applicant's submitting their applications and made suggested revising the Resolution language as follows:

Section I. Eligibility Requirements. Subsection B. (1) on Page 5-2 is being amended by amending the wording "Must have the highest ranking of the potential projects based on the greatest number of points utilizing the following factors (maximum 33 points). Priority in processing will be based on ranking and availability of funds. Applications received will be reviewed and evaluated on a quarterly basis, every September, December, March, and June".

Mr. Michael Bray, citizen, commented on "3. Section II. Financing. Section A." and suggested that the matter be given additional consideration.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the amended Resolution language above as read into the record by Ms. Richarda Duffy Momsen, City Clerk.

Representative Lozano was not present for the vote.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution as amended.

Representative Lozano was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign letters of support to Senators John Cornyn and Kay Bailey Hutchison and Congressmen Silvestre Reyes and Henry Bonilla to restore funding to the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs in the Department of Housing and Urban Development's FY 2005 budget request.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Assistance Amendment to the El Paso Brownfields Site Assessment Demonstration Pilot Assistance Agreement No. BP-98686001-0 to extend the budget and project period of September 30, 2005. The award amount remains \$200,000, subject to the terms and conditions of the original award, as amended.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the regular agenda the following:

Representatives Austin and Rojas were not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Economic Development Agreement with the El Paso Hispanic Chamber of Commerce for \$140,000 for Fiscal Year 2003-2004, for Economic Development assistance in the City of El Paso. This resolution is subject to the appropriate budget and documentation being submitted to the City's Deputy CAO-Financial Services.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Lozano was not present for the vote.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the CITY OF EL PASO and CRISTINA GRIJALVA-GARCIA, to assist the Museum of Art as a Development Assistant, at an hourly rate of \$13.85, for 30 hours per week. The term of the contract shall be for the period of September 1, 2004 through March 31, 2005.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the CITY OF EL PASO and Frank X. Spencer & Associates, Inc., for a project known as "Verdeland Street and Drainage Improvements", in an amount not to exceed ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED NINETY-ONE and 60/100 DOLLARS (\$119,991.60).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Hydrogeology Manager** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5549**. The Grade is **EX F**.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended as recommended by the Civil Service Commission. The class of **Water Plant Assistant Superintendent** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **3410**. The Grade shall be **GS 26**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended as recommended by the Civil Service Commission. The class of **Water Plant Superintendent** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5962**. The Grade shall be **PM 78**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PRISCILLA ARMENDARIZ**, to assist the Information Technology Department as a User Support Specialist at an hourly rate of \$13.50 for 20 hours per week. The term of the contract shall be for the period of August 24, 2004 through August 23, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of photos and postcards of "Smelter-town" at the Main Library of the El Paso Public Library System for the period of September 1 through 30, 2004. This exhibition is at no cost to the City.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone four (4) weeks the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SUSANA C. SALAS**, to assist the Mayor and City Council as a Secretary I at an hourly rate of \$9.97 for 40 hours per week. The term of the contract shall be for the period of July 28, 2004 through June 14, 2005.

Representatives Austin and Rojas were not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROSA ISELA MORALES**, to assist the Mayor & City Council as a Staff Assistant at a biweekly rate of \$1,193.60 for 40 hours per week. The term of the contract shall be for the period of August 29, 2004 through June 14, 2005. Contract subject to the concurrence of the Civil Service Commission.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the regular agenda the following:

Representatives Austin and Rojas were not present for the vote.

RESOLUTION

WHEREAS, in February 2004 the citizens of El Paso voted to amend the City Charter to change from a Strong Mayor form of government to a Council-Manager form of government; and

WHEREAS, such change makes it is necessary to assign all duties, responsibilities or obligations previously assigned to the Chief Administrative Officer to the City Manager; and

WHEREAS, such change makes it is necessary to assign all duties, responsibilities or obligations previously assigned to a Deputy Chief Administrative Officer to a Deputy City Manager.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

- 1. That all resolutions of the El Paso City Council and policies of the City, previously adopted and still in effect, that assign duties, responsibilities or obligations upon, grant authority to act to, or which reference the Chief Administrative Officer of the City shall continue in effect and the duties, responsibilities or obligations assigned or authority granted thereunder shall, effective September 1, 2004, be transferred to the City Manager and such references shall be changed to the City Manager.
- 2. That all contracts, agreements, memorandums of understanding, grants, and other contractual obligations made by the City of El Paso which are still in effect, that assign duties, responsibilities or obligations upon or grant authority to act to the Chief Administrative Officer of the City shall continue in effect and the duties, responsibilities or obligations assigned or authority granted thereunder shall, effective September 1, 2004, be transferred to the City Manager.

Representative Cushing moved to delete the Resolution. There was no second.

Ms. Elaine Hengen, Assistant City Attorney, stated that the Resolution language explained the duties and responsibilities of the City Manager and Deputy City Managers.

Representative Austin requested that the Resolution be revised to delete the language pertaining to the Deputy City Managers, paragraphs number 3 and 4.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution as revised, deleting the language pertaining to the Deputy City Managers.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Building and Planning Services be authorized to negotiate, the City Attorney's Office be authorized to review, and the Mayor be authorized to sign a LOCAL PROJECT ADVANCE FUNDING AGREEMENT for the Border Wizard Software Program by and between the Texas Department of Transportation ("TXDOT") and the City of El Paso ("City"), as the fiscal agent for the Metropolitan Planning Organization; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to delete the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, a Lease Agreement between BRENDA LYON, Lessor, and THE CITY OF EL PASO, Lessee. Said Lease is for fifty-six (56) parking spaces located at 216 South Ochoa Street, El Paso, El Paso County, Texas and adjacent to the Municipal Court facility in downtown El Paso.

Representatives Austin and Rojas were not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract between the City of El Paso and Helen Jamison, County Elections Administrator of El Paso County, at an estimated cost of \$51,897, to provide election services and equipment for the November 2, 2004 Special City Election.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2004/2005** appropriations to be approved by the City Council.

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. **CONTRACTOR:** Esteban Raya, Score Keeper for Basketball & Football
DATES: September 11, 2004 through August 31, 2005
RATE PER CL: \$12.00
MAXIMUM AMT: \$1,500.00
CONTRACT: **2004/2005-055**

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT 502214

2. **CONTRACTOR:** Christopher R. Orozco, Gymnastics Instructor
DATES: September 01, 2004 through August 31, 2005
RATE PER CL: \$9.55
MAXIMUM AMT: \$5959.20
CONTRACT: **2004/2005-056**

LEONA FORD WASHINGTON COMMUNITY CENTER

DEPARTMENT ID: 51510081, ACCOUNT 502214

3. **CONTRACTOR:** Anita Martell, Aerobic Instructor
DATES: September 01, 2004 through August 31, 2005
RATE PER CL: \$8.50
MAXIMUM AMT: \$1,700.00
CONTRACT: **2004/2005-057**

NATIONS-TOBIN CENTER

DEPARTMENT ID: 51510099, ACCOUNT 502215

4. **CONTRACTOR:** Christopher Jimenez, Inline Hockey Referee
DATES: September 01, 2004 through February 28, 2005
RATE PER CL: \$6.00
MAXIMUM AMT: \$1200.00
CONTRACT: **2004/2005-058**
5. **CONTRACTOR:** Jaime Rodriguez, Jr., Inline Hockey Referee
DATES: September 01, 2004 through February 28, 2005
RATE PER CL: \$6.00
MAXIMUM AMT: \$1200.00
CONTRACT: **2004/2005-059**

SAN JUAN RECREATION CENTER

DEPARTMENT ID: 51510123, ACCOUNT 502214

6. CONTRACTOR: Arturo Saldana, Music Instructor
DATES: September 01, 2004 through March 31, 2005
RATE PER CL: \$8.00
MAXIMUM AMT: \$1,040.00
CONTRACT: 2004/2005-060

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents to apply for and accept a grant for the City of El Paso Police Department for a COPS Secure our Schools Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), in the amount of \$50,000.00 for the purpose of funding 2 civilian positions to provide training and coordination with local school districts and other agencies regarding a public safety response program; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required and any documents to request and accept an extension of the award ending date for the grant. Matching funds in the amount of \$50,000.00 will be provided through confiscated funds.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an interlocal governmental agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of twenty police officers for the School Resources Officer Program to be conducted within the YISD during the school year 2004-2005 with an option to extend through summer school 2005; payment will be received from the YISD for twelve of the officers in an amount equal to 50% of each officer's salary and benefits for the actual number of days each officer works in the Program, and the salaries for eight officers will be paid from COPS in Schools grants from the U.S. Department of Justice, Office of Community Oriented Policing Services.

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Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone eight (8) weeks the Resolution that the Mayor be authorized to sign an Agreement with DESIGNER'S MART to provide One (1) Four cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

Representative Lozano was not present for the vote.

Representative Cushing explained that the Solid Waste Management Agreements were not generating monies. He moved to deny the above and following Resolutions.

Representative Cook noted that landfill space would be saved due to materials being recycled.

Representative Austin noted that private companies pick up recyclable materials as well.

Representative Rojas noted that discussions at a recent Solid Waste Management Legislative Review Committee regarding increasing the fees for the recyclable material agreements were held.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone eight (8) weeks the Resolution that the Mayor be authorized to sign an Agreement with ANDALE TAQUERIA to provide One (1) Four (4) cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

Representative Lozano was not present for the vote.

See above for discussion.

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*Motion made by Representative Cobos, seconded Representative Austin and unanimously carried to approve the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Shouse, Mark – Firefighter
- B. Palacio, Jr., Robert P. - Transit Communication Dispatcher
- C. Howell, Erica - Police Records Specialist II
- D. Porras, Javier - Automated Refuse Collection Operator
- E. Valadez, Ricardo - Collection Assistant Route Foreman

Representatives Austin and Rojas were not present for the vote.

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1st Motion:

Motion made by Representative Cobos, seconded Representative Austin and unanimously carried to approve the Staffing Table Change for Mayor & Council

Delete 1.00 - Administrative Assistant GS 23

Representatives Austin and Rojas were not present for the vote.

2nd Motion:

Motion made by Representative Austin, seconded by Representative Rojas and carried to reconsider the Staffing Table Change for Mayor & Council

Delete 1.00 - Administrative Assistant GS 23

AYES: Representatives Austin, Cushing, Cook, Escobar and Rojas

NAYS: Representative Cobos

Representative Lozano was not present for the vote.

Representative Austin asked questions regarding the Administrative Assistant position.

3rd Motion:

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone one (1) week the Staffing Table Change for Mayor & Council

Delete 1.00 - Administrative Assistant GS 23

Representative Lozano was not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to appoint Jody Todd to the El Paso Mountain Committee by Representative Robert A. Cushing, Jr., District 2 (serving an un-expired term).

Representatives Austin and Rojas were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #0823-999-1037-0038, \$356.34 per month installments on a balance of \$3,207.06 for 2000, 2001, 2002 & 2003 taxes; American Southwest Iron Works % Felipe Hernandez – 5956 Doniphan.
- B. PID #S562-003-0550-1700, \$194.04 per month installments on a balance of \$2,328.48 for 1996, 1999, 2000, 2001 & 2002 taxes; Luis E. Morales – 12995 Bowdoin Dr.
- C. PID #W145-999-0250-3500, \$264.50 per month installments on a balance of \$3,174.00 for 2003 taxes; Sergio & Eva Bustamante – 793 Colchester Dr.
- D. PID #'s 2000-999-0658-0042 & F175-999-0010-1510, \$1,575.43 per month installments on a balance of \$18,905.16 for 2003 taxes; Burger King % Latorre Enterprises – 9521 Alameda.

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to delete the request for authorization to allocate \$2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request that Council authorize the Director of Purchasing, on the issuance of an Emergency Purchase Order to R.T.C., Inc. in the amount of \$32,920.00 for emergency repairs of communication equipment located on the 7th Floor of City Hall.

The emergency repairs were necessary because of unforeseen damage to equipment and to protect the public health and safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code ("The Bid Statute").

Award amount: \$32,920.00
Funds available: 39010351-01101-502202
Funding Source: Operating Funds, Information Services, Service Contracts.
Department: Information Technology

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the following Change Orders to C.F. Jordan L.F. for "EPIA Consolidated Security Checkpoint & Terminal Apron project":

Change Order No. 17 (Scope Change) for an increase amount of \$342,934.09. The purpose of this change order is to provide and install four revolving doors with modifications to existing finishes and systems as required (per Proposal Request 24).

Change Order No. 18 (Scope Change) for an increase amount of \$40,850.32. The purpose of this change order is:

Item 1: Provide and install 14,000 lf of Cat5e cable for communication from checkpoint area to TSA offices (per Proposal Request 8A) \$ 17,239.98.

Item 2: Furnish and install additional items needed for TSA communication lines to include connectors, patch panel, IT rack, etc. (per Proposal Request 29) \$23,610.34.

Representatives Austin and Rojas were not present for the vote.

NOTE: Request was revised to change the word "Construction Change" to "Scope Change".

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone for two (2) weeks Bid No. 2004-226 Washing of Heavy Duty Equipment (Rebid)

Award to:	A & E Truck & Car Wash El Paso, TX
Item (s):	All
Amount:	\$150,000.00 (estimated yearly)
Department:	Fleet Services
Funds available:	37370510-45202-503125
Funding source:	Fleet Services-Inventory Sales-Equipment Outside Repairs
Total award:	\$450,000.00 (estimated)

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year.

Representatives Austin and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the following Building Services - refund:

Building Permit refund to Eva S. Bustamante in the amount of \$135.00.

Representatives Austin and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Andress High School to hold a marchathon on September 18, 2004 from 6:00 p.m. to 8:00 p.m. Route: Start on Andress High School, left on Sun Valley, right on Mackinaw, left on Donald, right on Rushing, left on Sagittarius, right on Sigma, left on Trojan, right on Salem, left on Capt. Valtr, right on Round Rock, right on Rushing, left on Wadsworth, right on Van Horn, right on Murphy, right on Salem, left from Fannin School on Salem, right on Kendall, left on Dearborne, right on Alcan, right on Sun Valley to Andress parking lot. Approximately 170 persons, 3 vehicles will take part, and 1,000 spectators are anticipated. This request includes permission to use amplification (bullhorn). PERMIT NO. 04-083
[Martha Trevizo]

Representatives Austin and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Cornerstone Fellowship to use amplification (2 speakers, 2 amps-400 watts) at the Wellington Chew Park-4430 Maxwell Ave. on August 27, 2004 from 7:00 p.m. to 9:00 p.m. for a youth evangelistic project. Approximately 15 persons will take part and 60 spectators are anticipated. PERMIT NO. 04-084 [Hugo Garcia]

Representatives Austin and Rojas were not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of O'Shea Elementary School to hold a walking parade on September 10, 2004 from 9:00 a.m. to 10:45 a.m. Route: Start on the O'Shea Elementary parking lot to Leroy Bonse, turn left on Leroy Bonse to Bunk Henry, turn left on Bunk Henry to the Slider Middle School, exit the school to Saul Kleinfeld, turn left on Saul Kleinfeld to Gwen Evans, turn left on Gwen Evans to Gus Moran, turn right on Gus Moran to Teachers, turn left on Teachers and finish at the O'Shea Elementary parking lot. Approximately 950 persons will take part. This request includes permission to use amplification (1 or 2 megaphones) PERMIT NO. 04-085 [Richard Ryan]

Representatives Austin and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Recovery Alliance to hold a walk on September 11, 2004 from 8:00 a.m. to 9:00 a.m. Route: Start on Stockwell to Moore, turn right on Moore to Piedmont, turn right on Piedmont to Robinson, turn left on Robinson to Scenic Drive, proceed to flag pole area, turn around Scenic Drive to Rim Rd., turn right on Rim Rd., to Stanton, turn right on Stanton and finish at Stockwell. Approximately 200 persons, 1 vehicle will take part and 75 spectators are anticipated. PERMIT NO. 04-086 [Rusty Broughton]

Representatives Austin and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the request of Westside Community Church to use amplification (4 speakers & 8 microphones) at Francisco Delgado Park-7020 Imperial Ridge Drive on October 9, 2004 from 12:00 p.m. to 4:00 p.m. Approximately 15 persons will take part and 500 spectators are anticipated. PERMIT NO. 04-087 [Joe Williams]

Representatives Austin and Rojas were not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave. between Mesa Street and Stanton Street for a "Tail Gate Party," celebration on Saturday, September 11, 2004 and Sunday, September 12, 2004.
- B. An ordinance granting a special privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Ave between Mesa Street and Stanton Street for an "Ice Cream Social," celebration on Sunday, September 12, 2004.
- C. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), To create Chapter 13.30 (Film-making Events), of the El Paso Municipal Code; To create provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City; To establish criteria for the Consideration, Issuance and Revocation of the Permits; To provide for the issuance of permits; To establish fees; To provide for an appeal process, and To Create duties for Permittees and Participants; the penalty being as provided in Section 13.30.110 of the Municipal Code.
- D. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited During Certain Hours on Certain Streets.) Paragraph 12.88.040 (J) (No Parking, 7:00 a.m. to 4:00 p.m.) To Include New Locations on Elon Lane, Mark Wallace Lane, McVeigh Way, and Sam Horrell Way. The Penalty as Provided In Section 12.84.010 Of The El Paso Municipal Code.

- E. An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 12, Eligible Lists, Section 8, Removal on Account of Non-Appointment, to clarify when an employee is charged with a non-appointment. [Human Resources, Terry A. Bond, (915) 541-4509]
- F. An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 6, Certification, to change certification procedures and the certification order.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 7, 2004 FOR ITEMS A – F

- G. An Ordinance changing the zoning of Tract 4B, Block 29, Ysleta Grant, El Paso, El Paso County, Texas (220 Lafayette Drive) and all of Lot 3, Block 1, White Oaks Subdivision from R-F (Ranch/Farm) TO R-3 (Residential) The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Chavez. ZON04-00080.
- H. An Ordinance changing the zoning of Parcel 1: Tract 16E, 16E2, 16H2 and a portion of Tract 16H, George L. Wilson Survey No. 91, El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial); and Parcel 2: Tract 16A and a portion of Tract 16H, George L. Wilson Survey No. 91, El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo Munoz. ZON04-00081
- I. An Ordinance changing the zoning of Parcel 1: A portion of Tract 1F, Block 80, Section 41, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1/sc (Light Manufacturing/special contract) to A-2/sc (Apartment/special contract); and Parcel 2: A portion of Tract 1F, Block 80, Section 41, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from M-1/sc (Light Manufacturing/special contract) to C-3/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. ZON04-00084

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2004 FOR ITEMS G – I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following amended Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An ordinance granting a special privilege authorizing the temporary closure of a portion of Oregon Street between Missouri Street and Franklin Street for a "Chile Cook Off" celebration on Sunday, September 12, 2004. Street closure shall commence at 8:00 a.m. on September 12th with the affected area reopening at 5:00 a.m. on September 13th.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 7, 2004

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Cobos asked questions of Mr. Raymond Bonilla, Building Permits & Inspections, and Mr. Jim Prezniak, El Paso Public Library, Main Library Administrator, regarding the temporary street closure.

Mr. Prezniak noted that the temporary street closure would provide a means to allow for the celebration of the El Paso Public Library's 120 years of providing service.

Mr. Michael E. Breiting, Executive Director, El Paso Central Business Association and El Paso Downtown Management District, noted that the temporary street closure blocked the entrance into the downtown Jack-in-the Box restaurant and requested that, in the future, the City send "Letters of Impact" to businesses impacted by temporary street closures.

Representative Cobos amended the language for Ordinance #C to close Oregon Street between Missouri Street and Franklin Street and delete the language as shown on the Agenda. Representative Cushing seconded.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and carried to postpone two (2) weeks the discussion and action on a Resolution that the Mayor be authorized to sign the Amendment to Tax Increment Finance District No. 1 Termination Agreement by and between the City of El Paso, the County of El Paso, the El Paso Independent School District, the El Paso County Hospital District and the El Paso County Community College District allowing the City of El Paso to utilize the remaining fund balance in the TIF No. 1 fund in connection with the History Museum to be constructed by the City of El Paso as part of the Cleveland Square Project.

AYES: Representatives Cushing, Lozano, Cook, Escobar and Cobos
NAYS: Representative Austin
NOT PRESENT: Representative Rojas

Mayor Joe Wardy explained that all entities, with the exception of the El Paso County Hospital District, were in agreement to the utilization of TIF No. 1 funds for the construction of the History Museum.

Mr. Michael E. Breiting, Executive Director, El Paso Central Business Association and El Paso Downtown Management District, requested additional time to consider the matter. He commented on the number of construction projects completed and not completed utilizing the TIF monies.

Mr. Frank Gorman, Chairman of the Museum of History Advisory Committee, spoke on the lack of monies for the exhibits to be displayed at the El Paso Museum of History.

Representatives Austin, Cobos, and Cook commented.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, explained that the El Paso County Hospital District had requested additional information and time to allow for public comment.

Representative Austin recognized the new Museum of History Museum Director, Ms. Jennifer Neilson.

.....
No action was taken on the discussion and action on establishing a private/public sector ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, with a direction to define these natural occurrences and what effects, if any, could be associated with residential/commercial development proximate to same. To further investigate Southwestern cities that have similar natural occurrences, and review any and all ordinances/statutes that may have been developed at a municipal and/or county/state/federal level to address these issues, and work with the office of the City Attorney to return to Council with an appropriate ordinance within sixty (60) days.

Representative Cushing suggested involving the public and private sectors to define the issues and commented on the U.S. Geological survey and its definition of an arroyo.

Representative Cobos added that an ad hoc committee would offer broad based opinions and commented on the uniqueness of the natural occurrences.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented on suggestions for the ad hoc committee include ex-officio member(s) of the City Plan Commission, appointed by Chairman of the City Plan Commission, Mr. Oscar Venegas.

Ms. Irene Ramirez, Interim City Engineer, spoke on research that the Engineering Department was conducting on the issue.

Mr. Matt Watson, Assistant City Attorney, provided legal advice regarding the composition of the ad hoc committee.

.....
Item: Discussion and action on Burlington Northern Santa Fe Railroad crossing on Doniphan and SWIG.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to direct the City Attorney's Office to send out a claim for the cost of barricades and also notice of situation, demand for correction of problem, and at the end of the 15 days, that the barricades be removed.

Representative Cobos recognized Mr. Lance Ruck, former Burlington Northern railroad employee, for his providing assistance to Mr. Daryl Cole, Street Director.

Mr. Lance Ruck, citizen, commented on his ability to provide assistance to Mr. Cole regarding the railroad crossing.

Representative Cushing noted that the City of El Paso had allocated \$11,000 for "temporary" barricades.

Mr. Cole commented on the use of and associated costs for the barricades and issues regarding the railroad crossing.

Representative Cobos requested that the Legal Department prepare Notification and Claim documents to be sent to the State of New Mexico pertaining to the costs/reimbursements of the barricades.

Mr. Kevin Elkins, Assistant City Attorney, noted that the barricades were located on State of New Mexico property.

.....
RESOLUTION

WHEREAS, an existing underpass structure on Copia Street crosses Union Pacific Railroad Company tract at DOT No. 741 166A (Railroad Milepost 1299.33) in El Paso, El Paso County, Texas, and

WHEREAS, the State of Texas, acting by and through the Texas Department of Transportation, and the City of El Paso propose to cut a trench across the roadway under the track of the Railroad to install conduit and conductor cable to provide for traffic light synchronization at DOT No. 741 166A (Railroad Milepost 1299.33) in El Paso, El Paso County, Texas.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a CONDUIT UNDER TRACK AGREEMENT between the Texas Department of Transportation, the Union Pacific Railroad Company and the City of El Paso, to allow for the installation of conduit with conductor cable under the existing underpass structure on Copia Street under the Union Pacific Railroad Company's track.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the Resolution.

NOTE: Resolution language was revised from the agenda.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the effective date of the statement of intent filed by the Texas Gas Service Company on May 14, 2004 and suspended for 45 days by the City Council of the City of El Paso on July 7, 2004 is hereby suspended for an additional seven (7) days.

Mr. Norman Gordon, attorney, asked that the Council suspend the application for seven days and answered questions of Council Members Austin and Cushing.

Representative Cook read the motion language into the record, as recommended by Mr. Gordon.

.....
**RESOLUTION CALLING FOR A SPECIAL ELECTION
FOR THE ELECTION IN THE CITY OF EL PASO
OF A DISTRICT REPRESENTATIVE FOR DISTRICT NO. 5**

WHEREAS, District Representative Daniel Power submitted his letter of resignation to the proper official on August 16, 2004, and

WHEREAS, in accordance with the requirements of Section 201.001(a), Election Code, the City Council for the City of El Paso accepts his resignation and finds that a vacancy exists in the City Representative District No. 5.

WHEREAS, Section 2.3 B of the El Paso City Charter requires that a Representative vacancy be filled by special election with a run-off election where no person receives a majority vote in the first election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. On November 2, 2004, an election will be held in the City of El Paso for the purpose of electing the following named officer of the City of El Paso:

A Representative who is to be elected from single-member District No. 5.

2. At such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate for Representative District No. 5. At the polling places in the Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and the Representative shall be elected by the voters in the district in which the person is a candidate. The deadline for filing such application shall be October 4, 2004.

3. Such election shall be held at the polling places designated in Exhibit "A" attached hereto and made a part hereof for all purposes, and said polling places shall open at 7:00 a.m. and remain open until 7:00 p.m. on the day of the election.

4. The City Clerk of the City of El Paso shall be the clerk for early voting for said City election and the County Elections Administrator, Ms. Helen Jamison, is appointed as the Deputy Clerk for early voting. The County Courthouse is hereby designated as the main early voting station for such election. The following branch offices for early voting by personal appearance shall be authorized for such election:

Bassett Center	6101 Gateway West
Burges Library	9600 Dyer
Carolina Center	563 N. Carolina
Courthouse	500 E. San Antonio
Dieter Plaza	1605 George Dieter
Eastside Location	Dean Martin
Festival Crossing	5380 N. Mesa
Pavo Real Recreation Center	9301 Alameda
Promendae Shopping	7500 N. Mesa
Rogelio Sanchez Center	Fabens
Socorro High School	10150 Alameda
Sunrise Shopping Center	8500 Dyer

Days and Hours:

Oct. 18-Oct. 22 (Mon.-Fri.) 9:00 a.m. - 6:00 p.m.

Courthouse 8:00 a.m. – 5:00 p.m.

Oct. 23 (Saturday) 8:00 a.m.- 8:00 p.m. (All locations)

Oct. 24 (Sunday) 12:00 – 5:00 p.m. (All locations)

Oct. 25 – Oct. 29 (Mon.-Fri.) 8:00 a.m. – 8:00 p.m. (All locations)

In addition, any locations, including mobile voting stations, that might be later identified or more clearly identified by the County Elections Department for inclusion or deletion, and their respective hours for early voting by personal appearance, shall be authorized for such election. Applications for early voting by mail shall be submitted to the Early Voting Clerk no earlier than September 3, 2004 and no later than the close of business on October 26, 2004, at the following address:

Ms. Helen Jamison
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

5. A special canvassing board shall be appointed by the Mayor as provided by law, to count and canvass all early votes and ballots cast at said election.

6. Voting of the Election, and early voting therefore, shall be by the use of lawfully approved voting systems and ballots.

7. Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in District No 5 of the City are authorized to vote.

8. By approving and signing this resolution, the Mayor officially confirms as his action all matters recited herein which by law come within his jurisdiction.

9. A substantial copy of this resolution shall serve as proper notice of said election.

10. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in the official newspaper of the City as required by law.

Mr. Jim Martinez, Chief Administrative Officer, spoke on issues regarding the polling locations and explained that County Elections Clerk, Ms. Helen Jamison, was investigating a possible alternative site.

Mr. Tom Brown, citizen, encouraged the Council to pass the resolution and added he would be running for the position of District 5 Representative.

Mayor Joe Wardy spoke on the uniqueness of the situation.

Representatives Escobar, Cobos, and Rojas commented on polling locations within District 5.

Ms. Elaine Hengen, Assistant City Attorney, added that the polling location at the church has been used for many years and does not present a legal impediment. She commented on mailing notices to the voters residing within District 5 regarding to the polling sites, as an additional cost to the City.

Ms. Lisa Elizondo, City Attorney, commented on the possibility of amending the Resolution with an alternative polling location, at a later date; however, due to time constraints, she suggested that the Council approve the Resolution.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action on a Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) from Frontera Vista L.P., a Texas Limited Partnership.
.....

ORDINANCE 15854

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14171, TO REDESIGNATE THE OFFICER FOR PUBLIC INFORMATION FOR THE CITY OF EL PASO; AND TO CLARIFY THE APPLICATION OF THE CHARGES SET FORTH IN ORDINANCE NO. 14171.**

Ms. Elaine Hengen, Assistant City Attorney, explained the necessity of the Ordinance and responded to questions of Representative Cushing.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone two (2) weeks an Ordinance repealing Ordinance Nos. 15529 and 15185 and establishing a new Ordinance that creates and establishes the duties of the Building and Planning Services Department.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representative Cook

Representative Cushing moved to postpone for three weeks. Representative Lozano seconded and withdrew to allow comment.

Representative Austin asked questions regarding the Deputy Chief Administrative Officer/Deputy City Manager positions.

Representative Cushing suggested that the Council not second-guessing City Manager, Joyce Wilson, regarding the City's organizational chart. He added that the voters did not approve appointments of Deputy City Manager positions.

Representative Cook noted that the Deputy Chief Administrative Officer positions had been created by Ordinance.

Ms. Elaine Hengen, Assistant City Attorney, provided legal advice regarding the Deputy Chief Administrative Officer/Deputy City Manager positions and other matters.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone two (2) weeks an Ordinance repealing Ordinance Nos. 15546 and 15186 and establishing a new Ordinance that creates and establishes the duties of the Municipal Services Department.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representative Cook

Please see above for discussion.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone two (2) weeks an Ordinance repealing Ordinance Nos. 15531, 15239 and 15184 and establishing a new Ordinance that creates and establishes the duties of the Financial and Administrative Services Department.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representative Cook

Please see above for discussion.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone two (2) weeks an Ordinance repealing Ordinance Nos. 15530 and 15187 and establishing a new Ordinance that creates and establishes the duties of the Quality of Life Services Department.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representative Cook

Please see above for discussion.

.....
ORDINANCE 15855

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS); SECTION 2.92.050 (STANDARDS OF CONDUCT) TO CHANGE THE REFERENCE TO THE CHIEF ADMINISTRATIVE OFFICER TO THE CITY MANAGER; THE PENALTY BEING AS PROVIDED IN SECTIONS 2.92.090 AND 1.08.010 - 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos
NAYS: Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15855 and 15856 were considered together.

.....
ORDINANCE 15856

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 15 (PUBLIC SERVICES), BY AMENDING CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.012 (APPLICATION FOR FRANCHISE) TO REVISE SUBSECTION 15.08.012.A; AND SECTION 15.08.013 (ASSIGNMENT OF FRANCHISE), TO REVISE SUBSECTION 15.08.013A, TO CHANGE THE REFERENCES TO THE POSITION OF CHIEF ADMINISTRATIVE OFFICER TO THE CITY MANAGER.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos
NAYS: Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15855 and 15856 were considered together.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone two (2) weeks an Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention); Section 18.60.420 (Designation of the Floodplain Administrator), Section 18.60.430 (Duties and Responsibilities of the Floodplain Administrator), Section 18.60.440 (Duties and responsibilities of the Deputy Chief Administrative Officer) and Section 18.60.450 (Duties and Responsibilities of the Street Director) of the El Paso Municipal Code.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representative Cook

Representative Cushing suggested that newly appointed City Manager, Ms. Joyce Wilson, prepare the City of El Paso organizational chart.

Ms. Elaine Hengen, Assistant City Attorney, clarified that the Deputy Chief Administrative Officer positions were Department Head positions created by Ordinance and responded to questions of Representative Austin.

.....
*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone two (2) weeks a Public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representatives Austin and Rojas were not present for the vote.

ORDINANCE 15857

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO AT&T CORPORATION PERMITTING THE ENCROACHMENTS ONTO PUBLIC RIGHTS-OF-WAY WITH TWO (2) ONE POINT NINE INCH (1.9") SUBSURFACE INNER-DUCTS (PVC PIPES), TWO (2) SUBSURFACE FOUR FOOT BY FOUR FOOT (4"X4") CONCRETE MANHOLES, AND, ONE (1) SUBSURFACE THREE QUARTER INCH (3/4") FIBER OPTIC CABLE ALONG MAGOFFIN AVENUE BETWEEN OCHOA STREET AND CAMPBELL STREET, OCHOA STREET BETWEEN MAGOFFIN AVENUE AND MYRTLE AVENUE, AND ALONG MYRTLE AVENUE BETWEEN OCHOA STREET AND CAMPBELL STREET.**

There was no discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15858

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE I -- ONE-WAY STREETS) TO ADD A NEW LOCATION ON BOSTON AVENUE, WESTBOUND FROM CAMPBELL STREET TO KANSAS STREET.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided background information.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15859

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD NEW LOCATIONS ON GERANIUM DRIVE FROM ZARAGOZA ROAD TO A POINT 200 FEET EAST, BOTH SIDES AND ON CRISTO VIENE DRIVE FROM ZARAGOZA ROAD TO A POINT 150 FEET WEST, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided background information and answered questions of Representative Rojas.

Representative Rojas questioned whether or not there would be interference regarding parking at the nearby apartment complex.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15860

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON LEE ELDER DRIVE FROM MONTWOOD DRIVE TO A POINT 280 FEET NORTH, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided background information.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15861

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD NEW LOCATIONS ON ROBERT WYNN STREET FROM MONTWOOD DRIVE TO A POINT 210 FEET NORTH, BOTH SIDES. AND ON ROBERT WYNN STREET FROM MONTWOOD DRIVE TO A POINT 370 FEET SOUTH, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided background information.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15862

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION K (SPEED LIMITS ON INTERSTATE HIGHWAY 10) OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMIT OF 60 M.P.H. TO 50 M.P.H. ON IH-10, BOTH DIRECTIONS FROM EXECUTIVE CENTER TO US 62/180 (PAISANO DRIVE) FOR THE DURATION OF THE IH-10 FROM EXECUTIVE CENTER TO US 62/180 (PAISANO) CONSTRUCTION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided background information and answered questions of Representative Cobos.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Rojas, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Rojas and carried to postpone one (1) week an ordinance amending Ordinance 8064, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government. [Human Resources, Terry A. Bond, (915) 541-4509]

AYES: Representatives Austin, Cushing, Lozano, Cook, Rojas and Cobos
NAYS: Representative Escobar

Representative Cushing asked Ms. Lupe Cuellar, Deputy City Attorney, questions regarding the Ordinance language.

Mr. Lance Ruck, Civil Service Commission member, requested that the Council delete the Ordinance.

Ms. Cuellar responded to questions of Representative Cushing and Mr. Ruck.
.....

Motion made by Representative Cushing, seconded by Representative Rojas and carried to postpone one (1) week an ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to change references made to the Chief Administrative Officer and Mayor to the City Manager as necessitated by the transition to a Council-Manager form of government. [Human Resources, Terry A. Bond, (915) 541-4509]

AYES: Representatives Austin, Cushing, Lozano, Cook, Rojas and Cobos
NAYS: Representative Escobar

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ORDINANCE 15863

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING THE FUNCTIONS OF THE DEPARTMENT KNOWN AS THE CITY MANAGER’S OFFICE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15864

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 225, SUNRISE ACRES NO. TWO, EL PASO, EL PASO COUNTY, TEXAS (4650 VULCAN DRIVE) FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended amending the Ordinance to A-2.

Ms. Martha Yee, applicant, spoke.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted, *as amended*. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15865

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 44, BLOCK 79, TOWNSHIP 2, T & PRRC SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (NORTHWEST OF THE INTERSECTION OF PEBBLE HILLS AND LOOP 375) FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the Ordinance would be amended to read "C-4" rather than C-3. He noted that the applicant had submitted the required metes and bounds.

Mr. Matt Watson, Assistant City Attorney, provided legal information.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above amendment:

AYES: Council Members Austin, Cushing, Cook, Escobar and Cobos
NAYS: None Absent: Council Member Power

Council Members Lozano and Rojas were not present for the vote.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted, *as amended*. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar and Cobos
NAYS: None Absent: Council Member Power

Council Members Lozano and Rojas were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as amended.

ORDINANCE 15866

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00004 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS A 49.4544 ACRE PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY NO. 240, EL PASO, EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS TRACT 1-A-1, NELLIE D. MUNDY SURVEY NO. 240, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy spoke on parking issues regarding the newly constructed Canutillo High School, El Paso Community College and proposed Westside Sports Complex.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: Council Member Power

Representative Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as amended.

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ORDINANCE 15867

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1 AND 2, BLOCK 87, EAST EL PASO, EL PASO, EL PASO COUNTY, TEXAS (3501 YANDELL) FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He spoke on the issue of removing the barbed wire from the chain link fence and answered questions from and responded to comments made by the Council Members Cobos and Cook.

Mr. Glenn Kistenmacher, applicant representative, spoke on matters regarding the chain link and removal of the barbed wire.

Mr. Alberto Rivas, Five Points Neighborhood Association, commented.

Representatives Cobos, Cook, and Cushing also commented.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the amendment to the ordinance, adding section 2, which reads as follows:

2. That the barbed wire on the subject property be removed prior to the issuance of any building permits of certificates of occupancy.

AYES: Representatives Austin, Cushing, Cook, Escobar, Rojas, and Cobos

Representative Lozano not present for the vote.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Rojas, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Rojas and Cobos
NAYS: None Absent: Council Member Power

Council Members Lozano and Escobar not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as amended.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to postpone one (1) week an Ordinance changing the Zoning of Tract 26-A, Block 29, Ysleta Grant, El Paso, El Paso County, Texas, (108 Seneca Drive) from C-3 (Commercial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Cobos; Representative: Jesus Jaime; 436 Bahia Kino, El Paso, TX 79915. ZON04-00075

AYES: Representatives Austin, Cushing, Cook, Rojas and Cobos

NOT PRESENT: Representatives Lozano and Escobar

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ORDINANCE 15868

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A SPECIAL WARRANTY DEED CONVEYING 21,000 SQUARE FEET, MORE OR LESS, BEING LOTS 1-6 AND THE SOUTH 19 FEET OF LOT 7, BLOCK 198, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, AND COMMONLY REFERRED TO AS 210 S. CAMPBELL ST., EL PASO, EL PASO COUNTY, TEXAS, TO THE COUNTY OF EL PASO.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Council Members Lozano and Escobar were not present for the vote.

AYES: Council Members Austin, Cushing, Cook, Rojas and Cobos

NAYS: None Absent: Council Member Power

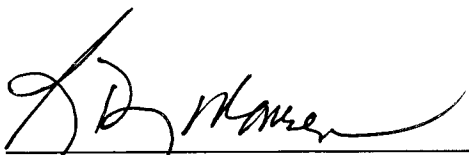
Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the following executive session item:

Subrogation Interest Regarding Dale Munoz (551.071)

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 2:50 p.m.
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APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk